



**TOWN OF GRAFTON**  
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## **PLANNING BOARD**

**PLANNING BOARD REPORTS  
FOR SPECIAL TOWN MEETING  
FEBRUARY 12, 2018  
WARRANT ARTICLES**

The following information pertains to the Planning Board's report on Articles 2 through 6. For any questions or information, contact the Planning Department at (508) 839-5335 ext. 1120.

**Planning Board Report for Article 2: ZBL-2018-1  
Adoption of Medical Marijuana and Marijuana Establishments Bylaw**

At its meeting on January 22, 2018 the Grafton Planning Board conducted a public hearing to consider proposed amendment to Section 5, entitled "Special Regulations," by adding a new Section 5.10, entitled "Medical Marijuana and Marijuana Establishments." Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members David Robbins and Linda Hassinger.

The purpose of this article is to establish a bylaw that regulates marijuana establishments, through incorporating previously approved provisions regulating medical marijuana, establish application submission criteria; establish buffers from uses including (but not limited to) schools, day care establishments, parks, playgrounds, libraries, and higher education establishments; establish findings required for issuing permit and other approvals; establish definitions for terms related to medical marijuana and marijuana establishments; establish use regulations including but not limited to hours of operation; and establish other requirements, including but not limited to location, physical requirements, transfer/ discontinuance of use, etc. The bylaw permits marijuana establishments through the issuance of a special permit which allows for the Board to take into consideration impacts to adjacent properties and the neighborhood and ability to condition approval.

Mr. Laydon stated in his presentation that work began on the bylaw in the fall of 2017 after a joint meeting with the Board of Selectmen who met with Margaret Hurley, from the Attorney Generals Office Municipal Law Unit who stated the legality of a temporary moratorium, such as that adopted by the Town, could be challenged. It was recommended to develop a bylaw in advance of the State Cannibals Control Commission issuance of licenses on April 1, 2018.

Joseph Laydon, Town Planner stated that the bylaw has been reviewed by the Municipal Law Unit out of the Attorney General's Office and no issues were found in the proposed bylaw. He also stated that he worked with Town that Town Counsel recommended inserting language repealing the Temporary Moratorium on Recreational Marijuana upon Town Meeting adoption and approval by the Attorney General's Office.

The Board received public comment that questioned whether the definition and use table should utilize the same terminology for recreational marijuana retailers. Mr. Laydon stated he would review the bylaw to address consistency.

On January 30, 2018, the Board met to deliberate on the draft Planning Board Report. Mr. Laydon stated he reviewed the proposed article with Town Counsel and the following amendments are recommended:

1. Amend definition for “Recreational Marijuana Retailer (RMR)” by striking the word “Recreational” and the letter “R” so it reads “Marijuana Retailer (MR).”
2. Replace “RMR” with “MR” where found in the bylaw.
3. Insert a new Section 5.10.12 as follows:

**5.10.12.** Upon the adoption by Town Meeting and approval of this By-law by the Attorney General’s Office, Article 5.11. Entitled “Temporary Moratorium on Recreational Marijuana Establishments” shall effectively be repealed and considered deleted from the Town of Grafton Zoning By-laws.

Based on the Board’s deliberations on the merits of the proposed article, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of this article as amended above.

**Planning Board Report for Article 3: ZBL-2018-2  
To Allow Marijuana Establishments in Office Light Industrial (OLI) and Industrial (I) Districts by Special Permit**

At its meeting on January 22, 2018 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 3.2.3.1 Use Regulation Table. Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members David Robbins and Linda Hassinger. No public comment on the article was received.

The purpose of the article is to permit Craft Marijuana Cultivator Cooperative, Independent Testing Laboratory, Marijuana Cultivator, Marijuana Product Manufacturer, and Marijuana Retailer as special permit uses within the Office Light Industrial (OLI) and Industrial (I) Districts.

Joseph Laydon, Town Planner reviewed the location of OLI and I Districts. He identified within the two districts where the 500-foot buffer requirements within Article 2 would impact the available locations for Marijuana Retailers. He stated that the map was for planning purposes only as a final determination of locations would be determined by the Zoning Compliance Officer.

The Board received public comment questioning why four separate districts were being proposed for Marijuana Retailers. Mr. Laydon stated that during joint sessions with the Planning Board and Board of Selectmen, there was disagreement on whether to permit the use within one or two districts or within all commercial districts in town. The Planning Board decided to submit individual articles for the various commercial districts in order to ensure passage within at least one district.

The Board also received public comment asking what happens if the zoning bylaw article fails. The Board stated if the bylaw fails then there are no regulations in place and marijuana retailers could be located similarly to any retail establishment within town.

On January 30, 2018, the Board met to deliberate on the draft Planning Board Report. Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted unanimously **TO RECOMMEND ACCEPTANCE** of this article.

**Planning Board Report for Article 4: ZBL-2018-3  
To Permit Marijuana Retailers within Community Business (CB) Districts by Special Permit**

At its meeting on January 22, 2018 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 3.2.3.1 Use Regulation Table to add Marijuana Retailers as a special permit use to the Community Business (CB) District.

Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members David Robbins and Linda Hassinger.

The purpose of the article is to designate marijuana retailer as a special permit use within the Community Business District. Mr. Hassinger stated that Off-site Medical Marijuana Dispensaries are special permit uses within the Community Business Districts.

Joseph Laydon, Town Planner reviewed the location of Community Business Districts within the Town. He identified within each district where the 500 buffer requirements within Article 2 would impact the available locations for Marijuana Retailers. He stated that the map was for planning purposes only as a final determination of locations would be determined by the Zoning Compliance Officer.

Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted 3-1-1 **TO RECOMMEND ACCEPTANCE** of this article.

**Planning Board Report for Article 5: ZBL-2018-4  
To Permit Marijuana Retailers within Neighborhood Business (NB) Districts by Special Permit**

At its meeting on January 22, 2018 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 3.2.3.1 Use Regulation Table to add Marijuana Retailers as a special permit use to the Neighborhood Business (NB) District.

Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members David Robbins and Linda Hassinger.

The purpose of the article is to designate marijuana retailer as a special permit use within the Neighborhood Business District. Joseph Laydon, Town Planner reviewed the location of Neighborhood Business Districts within the Town. He identified within each district where the 500-foot buffer requirements within Article 2 would impact the available locations for Marijuana Retailers. He stated that the map was for planning purposes only as a final determination of locations would be determined by the Zoning Compliance Officer.

Mr. Robbins expressed his opinion that the small-scale nature of businesses within the Neighborhood Business District may not be adequately addressed within the zoning bylaw being proposed. He said that Community Business and Neighborhood Business Districts are different in their purpose and that the Board should take more time to consider requirements for this district. Mr. Hassinger added that medical marijuana uses were not permitted within the Neighborhood Business District.

Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted 4-0-1 **TO RECOMMEND AGAINST ACCEPTANCE** of this article due to additional work that would be needed on the bylaw to ensure properties in and around the Neighborhood Business Districts are not negatively impacted.

#### **Planning Board Report for Article 6: ZBL-2018-5 To Permit Marijuana Retailers within Village Mixed Use Business (VMU) Districts by Special Permit**

At its meeting on January 22, 2018 the Grafton Planning Board conducted a public hearing to consider proposed amendments to Section 3.2.3.1 Use Regulation Table to add Marijuana Retailers as a special permit use to the Village Mixed Use Business (VMU) District.

Board members present were Chairman Michael Scully, Vice Chairman Robert Hassinger, Clerk J. Daniel Graham, and Members David Robbins and Linda Hassinger.

The purpose of the article is to designate marijuana retailer as a special permit use within the Village Mixed Use Business (VMU). Joseph Laydon, Town Planner reviewed the location of Neighborhood Business Districts within the Town. He identified within each district where the 500-foot buffer requirements within Article 2 would impact the available locations for Marijuana Retailers. He stated that the map was for planning purposes only as a final determination of locations would be determined by the Zoning Compliance Officer.

Mr. Robbins expressed his opinion that, similar to Neighborhood Business Districts, the small-scale nature of businesses within the Village Mixed Use District may not be adequately addressed within the zoning bylaw being proposed. He said that the Village Mixed Use District encourages a mixture of residential and commercial mixed uses and that the Board should take more time to consider requirements for this district. Mr. Hassinger added that medical marijuana uses were not permitted within the Village Mixed Use District.

Based on the Board's deliberations on the merits of the proposed amendment, the Planning Board voted 4-0-1 **TO RECOMMEND AGAINST ACCEPTANCE** of this article due to additional work that would be needed on the bylaw to ensure properties in and around the Village Mixed Use District are not negatively impacted.